

# NEVADA'S VOLUNTARY CLEAN UP PROGRAM

## Quick Facts

During the 1999 legislative session, the Nevada Legislature passed the Voluntary Cleanup Program (VCP) which provides relief from liability to owners who undertake cleanups of contaminated properties under the oversight of the Nevada Division of Environmental Protection (NDEP). Regulations governing the program have been developed by NDEP, and this fact sheet is intended to provide interested participants with information on the administering of the program.

### Program Overview

The State of Nevada has established cleanup requirements for soil and groundwater which has been contaminated with hazardous substances or petroleum products. Sites requiring cleanup are usually identified through property transfer assessments or reports of contamination from the owners of a property or the general public. The owners of the property are required to remediate the property to State cleanup standards until the State determines that No Further Action will be required. The no further action determination does not provide the owner of the property any legal relief from liability regarding environmental issues which may arise as a result of site conditions discovered in the future. The VCP law was passed to provide a means of giving permanent relief of liability to owners of property where a cleanup is conducted under the oversight of NDEP staff.

The program was designed to encourage voluntary cleanups by providing a release from liability to 1) the current owners of contaminated sites, 2) prospective purchasers, 3) financial entities who hold an evidence of title to protect a security interest, or 4) a government entity which has received a parcel of real property through default.

### How to Apply

Acceptance to the program requires the completion of an application for admission which is available on the internet, at NDEP offices, or by mail. A small amount of site

characterization information is required to be submitted with the application; these requirements can be fulfilled through the completion of a Phase I site assessment. An application fee is also required to be submitted; these fees vary based on the type of property being applied for. The application will be reviewed by NDEP staff for approval. Projects with clearly defined redevelopment and re-use goals will be given a higher priority status.

### State Oversight

The participant in the VCP will be required to compensate the NDEP for their oversight of voluntary clean-ups. The compensation will cover the direct and indirect staff costs for project staff. Cost payment will be decided by meeting with participants on a case-by-case basis.

Project staff will interact with the participant to discuss site assessment and remedial issues to work towards the issuance of a certificate of completion. Because of the involvement of both the participant and NDEP project staff, the cleanup of the site can be both flexible and rapid.

An important factor in the voluntary cleanup program will be the establishment of a defined end-use. This will allow the remediation of the property to be tailored to meet redevelopment or re-use goals. The defined end-use may be consistent with larger redevelopment plans or may simply be an expectation of what an owner or prospective purchaser plans to do with the property after remediation.

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### Public Participation

Prior to the acceptance of a remedial agreement between NDEP and the participant, a period of public comment and public meetings will be held to allow the input from residents and business within the community where the cleanup is being undertaken. These activities will be coordinated by NDEP at no additional cost to the participant of the program. Comments from the public will be incorporated as appropriate into the corrective action plan.



The Nevada Division of Environmental Protection operates a Brownfields Program which can work in conjunction with the VCP. Assessment monies may be available through the Brownfields Program to perform the site characterization requirements of the VCP regulations. Likewise, sites currently undergoing assessments under any federal, state, or local brownfields program can be fast-tracked for admission into Nevada's Voluntary Cleanup Program. For more information regarding Nevada Brownfields, please contact Scott Smale (775) 687-9384.